

UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,342	08/27/2001	Gregory J. Ewing	4584	8324
22896	7590 11/06/2002			
PATTI SELAN, PATENT ADMINISTRATOR			EXAMINER	
APPLIED BIC		RILEY, JEZIA		
000	N CENTRE DRIVE			
FOSTER CITY	FOSTER CITY, CA 94404			PAPER NUMBER
			1637	Λ
			DATE MAILED: 11/06/2002	. 4
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Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>		Application No.	Applicant(s)			
		09/942,342	EWING ET AL.			
Office Action Summary		Examiner	Art Unit			
	-	Jezia Riley	1637			
-	- The MAILING DATE of this communication		heet with the correspondence address			
Period for Reply						
THE N - Exten after to the series of the ser	DRTENED STATUTORY PERIOD FOR REIMALING DATE OF THIS COMMUNICATION sions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per e to reply within the set or extended period for reply will, by stately received by the Office later than three months after the mad patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however reply within the statutory minim iod will apply and will expire SI thite cause the application to be	er, may a reply be timely filed num of thirty (30) days will be considered timely. X (6) MONTHS from the mailing date of this communication. secome ABANDONED (35 U.S.C. § 133).			
Status	December to communication(a) filed on (24 Santambar 2002				
1)⊠	Responsive to communication(s) filed on 2	This action is non-final	al			
2a)[☐	,,,,,					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
<u> </u>	on of Claims	No.				
4) Claim(s) 1-25 is/are pending in the application.						
	4a) Of the above claim(s) is/are with	urawn irom considera	uon.			
5) Claim(s) is/are allowed.						
,	6) Claim(s) 1-25 is/are rejected.					
	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement. Application Papers						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
	1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachme	nt(s)	_				
2) Noti	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-946 rmation Disclosure Statement(s) (PTO-1449) Paper No	4)	Interview Summary (PTO-413) Paper No(s) Notice of Informal Patent Application (PTO-152) Other:			
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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in Paper No. 5 is acknowledged.

The traversal is on the ground(s) that no adequate reasons are provided for the restriction. This is not found persuasive because as stated in the restriction requirement, the quencher of Group I can be used for the labeling nucleoside or polypeptide, and the labeled nucleoside can used for the method of Group VII, or VIII, or IX. Further Group III can be used in a hybridization method or PCR and the compound of Group II can be used as catalyst in enzymatic reactions, for example.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because it is unclear if the R substituent when Z is NHR and the R substituent for L1 moieties are identical to the R substituent for Y when Y is CR.



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Claim 10 is vague and indefinite because it is unclear of what is R.

Claims 12 and 16 are vague and indefinite because it is unclear of what is meant by the phrase "and copolymers and grafts of such".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jezia Riley whose telephone number is 703-305-6855. The examiner can normally be reached on 9:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 703-308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

November 4, 2002 PRIMARY EXAMINER